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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/374,258	08/13/1999	THADDEUS JOHN GABARA	73-1	3509

7590 06/18/2003

JOSEPH B. RYAN
RYAN, MASON & LEWIS LLP
90 FOREST AVENUE
LOCUST VALLEY, NY 11560

EXAMINER

KUMAR, PANKAJ

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 06/18/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/374,258

Applicant(s)

GABARA ET AL.

Examiner

Pankaj Kumar

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 4/21/2003 have been fully considered but they are not persuasive.

2. As per the argument on page 4, applicant argues that in Ho, the selection circuit (70, 72) is not responsive to the control signal (J, K) since the quote the applicant cited does not refer to J and K when discussing elements 70 and 72. This argument is respectfully traversed since Ho clearly shows in fig. 5 that elements 70 and 72 are connected to J and K respectively. Since elements 70 and 72 are connected to J and K respectively, 70 and 72 are responsive to J and K respectively. Whether or not Ho writes this in the specification is irrelevant since Ho draws this in fig. 5 of its drawings.

3. As per the argument on page 5 about claim 17, applicant argues that output of Kohli's 70 does not meet limitations (i) and (ii). This argument is respectfully traversed. Kohli meets these limitations since Kohli teaches: (i) to generate a control signal (Kohli fig. 2: output of 70) indicative of the presence or absence of a desired phase relationship between the second signal and the first, second and third versions of the given signal (Kohli paragraph 22 indicates that position is reset when a car turns. When a car turns, signal phase will change. Hence the position 70 is reset when a car turns. Hence the output of 70 is indicative of the desired phase relationship between the signals), and (ii) to alter a phase relationship between the at least one clock signal and the first, second and third versions of the given signal if the control signal indicates the absence of the desired phase relationship (Kohli paragraph 22 indicates that position is reset when a car turns.

Art Unit: 2631

Hence, phase relationship will be altered between the signals when there is an absence of the desired phase relationship i.e. when the position is reset).

4. As per the argument for claim 18, 46 in fig. 2 receives the output of 86; however, 86 is in each of 38, 40, 42 and 44 in fig. 2. Thus, contrary to applicant's argument, Kohli does have "an output coupled to outputs of each of first, second and third processing circuits" since any combination of 38, 40, 42 and 44 in fig. 2 constitute first, second and third processing circuits.

5. The office respectfully traverses applicant's argument for claim 18 that the given signal and the second signal have not been identified. In the prior office action, the following was stated "...utilizing a second signal to which the given signal is to be synchronized (Kohli paragraph 37 col. 11 4th paragraph: "During tracking, the copy of the code produced by code generator 76 and applied to exclusive OR correlators 74 by delay 78 is synchronized with the code in satellite signals 72 ... "; col. 12 5th and 6th paragraphs)" It is clear from this that the given signal to be synchronized is "the copy of the code produced by code generator 76 and applied to exclusive OR correlators 74 by delay 78" and the second signal is "code in satellite signals 72".

6. Applicant's argue that SAT processor 46 is not operative to maintain a desired relationship between a second signal and first, second and third versions of a given signal. In the prior action, the following was written "(Kohli fig. 2: SAT processor, in conjunction with NAV Soln, maintain a desired relationship between the SAT trackers so that one tracker does not skew far from other trackers)". Thus, the office never argued that ONLY 46 maintains a desired relationship between a second signal and first, second and third versions of a given signal. Figure 2, which comprises 46 and 48 and which

Art Unit: 2631

inherently includes their inputs and outputs, is what maintains a desired relationship between a second signal and first, second and third versions of a given signal.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-11, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ho USPN 6418176. See prior action for details.

9. Claims 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kohli USPN 6249542.

10. As per claim 17, Kohli teaches an apparatus comprising:

11. first, second and third processing circuits (Kohli figs. 3, 4), each operative to perform a sampling function on a corresponding one of a first version, a second version and a third version of a given signal, the processing circuits performing the sampling function utilizing a second signal to which the given signal is to be synchronized (Kohli paragraph 37 col. 11 4th paragraph: “During tracking, the copy of the code produced by code generator 76 and applied to exclusive OR correlators 74 by delay 78 is synchronized with the code in satellite signals 72 ...”; col. 12 5th and 6th paragraphs); and a feedback control circuit (Kohli fig. 2 signal goes from 48 to 50 and 66 and then to 68, 70 and then

Art Unit: 2631

back to 48) having an input coupled to outputs of each of the first, second and third processing circuits (Kohli figs. 3, 4 whose output goes to 46 in fig. 2 which eventually goes to 48), and operative: (i) to generate a control signal indicative of the presence or absence of a desired phase relationship between the second signal and the first, second and third versions of the given signal (Kohli fig. 2: output of 70), and (ii) to alter a phase relationship between the second signal (Kohli "code in satellite signals 72") and the first, second and third versions of the given signal (Kohli "the copy of the code produced by code generator 76 and applied to exclusive OR correlators 74 by delay 78") if the control signal indicates the absence of the desired phase relationship (Kohli paragraph 22 indicates that position is reset when a car turns. When a car turns, signal phase will change.).

12. As per claim 18, see prior action for details.

Allowable Subject Matter

13. Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. See prior action for details.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2631

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

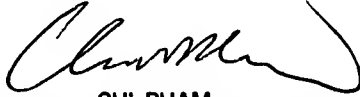
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (703) 305-0194. The examiner can normally be reached on Monday through Thursday after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

PK
June 16, 2003


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 6/17/03